IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21266 of 2004

Between:

The Depot Manager, APSRTC, Ananthapur Ananthapur District.

..... PETITIONER

AND

1. The Industrial Tribunal Cum Labour Court Ananthapur rep. by its Presiding Officer.
2. Sri N.Tirupalu E.56648, backside of Meeda Nursing Home, Ramachandranagar, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records relating to M.P.No.39/2000 on the file of Labour Court, Ananthapur and quash the order Dt.25.2.2004 by issuing an appropriate writ, order or direction more particularly one in the nature of writ of Certiorari.

Counsel for the Petitioner:MR.P.VINAYAKA SWAMY

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2 : ..

The Court made the following :

ORDER:

This writ petition is filed challenging the order in M.P.No.39 of 2000 dated 25.02.2004 on the file of the Labour Court, Ananthapur.

2. The case of the petitioner-Corporation is that on 16.04.1999 while the second respondent herein was driving the vehicle bearing No.AAP10Z 7360, the stepney tire was found missing. According to the petitioner-Corporation, it amounts to misconduct on the part of the second respondent within the meaning of Regulation 28(ix-a) of Employees (conduct) Regulations. Therefore, the petitioner corporation issued a show cause notice to the second respondent to give an explanation. Accordingly, the second respondent has submitted his explanation, but as the explanation was not satisfactory, the petitioner corporation imposed a penalty of recovery of Rs.5,000/- in 10 instalments from the salary of his salary. Thereafter, the second respondent filed an application before the Chairman, Industrial Tribunal cum Labour Court, Ananthapur, who passed the impugned order.

3. The learned counsel for the petitioner-Corporation contended that as the second respondent involved in misconduct, that is to say, he was responsible for missing of the stepney tire of the bus bearing No.APP10Z 7360, the penalty was imposed and therefore, the order under challenge suffers from serious infirmities.

4. Admittedly, no enquiry was conducted before imposing the penalty of recovery of Rs.5,000/- towards the cost of stepney tire from the salary of the second respondent. Precisely for that reason, the Labour Court came to the conclusion that the petitioner-corporation ought to have ordered for enquiry and should have given an opportunity to the second respondent to prove his innocence. Therefore, the order under challenge does not suffer from any legal infirmities so as to call for the

interference of this Court.

5. The Writ petition is devoid of merit and, is accordingly dismissed. However, the dismissal of the writ petition will not preclude the petitioner-corporation from taking any disciplinary action against the respondent as per the Rules and Regulations of the Corporation. No order as to costs.

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K.C.BHANU, J

22nd November, 2004.

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To

1. The Presiding Officer, Industrial Tribunal Cum Labour Court Ananthapur.
2. 2CCs to the G.P. for Labour, High Court Buildings, Hyderabad (OUT).

3. 2CD copies.